

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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SPECTOR & FELDMAN, LLP.,

Plaintiff,

File No.: 07CIV8745

-against-

THE REPUBLIC OF LIBERIA,

Defendant.
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**AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
ENTRY OF DEFAULT
JUDGMENT**

STATE OF NEW YORK)
)ss:
COUNTY OF NEW YORK)

STEPHEN J. FELDMAN, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and a member of the firm of Spector & Feldman, LLP, attorneys appearing pro se in the above entitled action and am fully familiar with all of the facts as stated herein below.

2. This affidavit is submitted in support of plaintiff's application, pursuant to 28 USC Rule 55(a) and (b)(1) of the Rules of Civil Procedure and Rule 55.1 and 55.2 (a) of the Civil Rule for the Southern District of New York, for entry of a default Judgment against defendant due to its failure to timely appear and answer the Complaint herein.

3. This is an action to recover a sum certain to wit: \$16,013, owed by defendant to plaintiff, for legal services rendered on behalf of and at the specific instance and request of the defendant, which sum it has failed to pay although duly demanded to do so on numerous occasions. Attached as Exhibit "A" are the most recent invoices¹ sent to defendant with

¹ The total of the two invoices are \$16,043. However, the Complaint herein seeks \$16,013 and therefore we are seeking entry of judgment in the lower amount.

reference to the legal services rendered which to date was unpaid.

4. Defendant, the Republic of Liberia ("Liberia"), is a foreign sovereign as defined in 28 USC 1603(a), and is subject to jurisdiction of this court pursuant to Sections 1605(a)(2) and 1608(a) of the Foreign Sovereign Immunities Act ("FSIA"), 28 USC., Secs. 1602-1611 and 28 USC Secs. 1330 and 1332.

5. Further, this court also has jurisdiction over defendant as it was transacting certain commercial activities necessitating its retaining plaintiff to represent it. Further, certain legal issues involved rights with reference to immovable property in the United States (see: 28 USC 1605(4)), giving rise to a further basis for jurisdiction herein.

6. Plaintiff's attorneys are duly admitted to the Bar of the State of New York and the United States Federal District Court for the Southern District of New York, with offices for the practice of law located at 800 Second Avenue, New York, New York 10017.

7. Defendant, the Republic of Liberia, whose current local address of record is at its United Nations Mission in New York at 866 UN Plaza, 4th floor, New York, New York 10017, is a foreign state.

8. In October 2006 defendant retained plaintiff to perform a variety of legal services at its specific instance and request at an agreed upon rate of \$300 per hour, plus payment of legal disbursements as incurred. The legal service performed included (1) plaintiff represented Liberia in negotiating the terms of a lease for its removal to its current offices, and (2) plaintiff represented Liberia as a defendant in an action instituted by the City of New Rochelle against Liberia for payment of real estate taxes allegedly due and owing on real property Liberia owned located in the City of New Rochelle. Said action, "The City of New Rochelle v. The Republic of

Liberia” case number 06CIV5969 was commenced pursuant to 28 USC 1330, 1332, 1602-1611, deals with rights in immovable property (i.e. real property situated in the United States) and is still pending under Court Docket No. 06 CIV 5969.

9. Said legal services were duly performed for reasonable value and for which the Republic of Liberia has failed to pay the sum of \$16,013, which is currently the sum due and owing for which demand for payment has been duly made but payment has not been forthcoming.

10. Based on the facts herein stated, plaintiff is entitled to recover for legal services rendered in the sum certain of \$16,013 as liquidated damages plus interest and costs.

11. As a result of the failure to pay said legal fees due and owing your deponent moved to be relieved as counsel in the aforesaid action entitled “The City of New Rochelle v. The Republic of Liberia (7:06-CV-05969-CLB).” Judge Charles L. Brieant of this Court granted our motion to be relieved as counsel and so entered an order to that effect on the 21st day of September, 2007.

12. Thereafter, on October 10th, 2007, your deponent’s firm instituted this action by duly filing with this Court a Summons and Complaint (Exhibit “B”). Thereupon, personal service of a copy of said Summons and Complaint was perfected upon said defendant at its offices in New York City on November 2nd, 2007 (Affidavit of Service attached as Exhibit “C”).

13. As the defendant is a foreign sovereign, in accordance with Section 1608 of the Foreign Sovereign Immunities Act (“FSIA”) and The Federal Rules of Civil Procedure Section 4(f)(2)(c)(ii), two additional copies of the Summons and Complaint were duly filed with the Clerk of this Court for transmittal by Registered Mail, Return Receipt Requested to the Liberian Minister of Foreign Affairs in Monrovia, Liberia which Registered Mail was mailed on October

24, 2007. Attached, as Exhibit "D", is a Certificate of mailing issued by the Clerk of the Court and a copy of the Post Office Certificate Mailing Card, the original of which was sent to Liberia. A signed acknowledgement for said mailing has never been received although same was duly mailed in accordance with the aforementioned Rules.²

14. Service having been perfected by two statutorily required methods as described above and more than 60 days having expired, the time to answer has passed and no answer having been received nor any request for an extension of time to answer being made clearly demonstrates defendant's default herein.

15. The amount due is a sum certain as it is for legal service rendered and invoiced and having never been paid nor objected to in any manner. Defendant never sought any judicial relief of any sort with reference to said legal fees or the institution of this action.

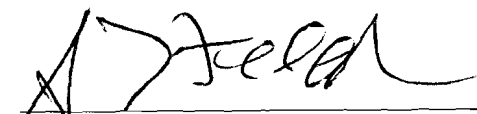
16. This action seeks judgment for the liquidated sum of \$16,013, plus interest at 9% (nine percent) for a total as of February 12, 2008 of \$1,772.79 as shown in the annexed Statement, which is justly due and owing and no part of which has been paid.

17. The disbursements sought to be taxed have been paid in the action or will necessarily be paid herein.

18. In accordance with Sec 28 USC 55(a) and (b)(1) of The Rules of Civil Procedure and Rule 55.1 and 55.2(a) of the Civil Rule for the Southern District Court, it is respectfully requested that Judgment by Default as annexed hereto be entered for the sum in the liquidated

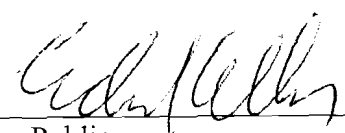
² A translation of the Summons and Complaint for transmittal with the Complaint is not required herein as the official language of Liberia is English.

amount of \$16,013 plus interests of \$1,772.79 and statutory costs of \$385 for a total of \$18,170.79.



Stephen J. Feldman

Sworn to before me
this 12th day of February, 2008



Notary Public

EDWARD ELKIN
Notary Public, State of New York
No. 06479557
Qualified in New York County
Commission Expires Feb. 05, 2010

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
SPECTOR & FELDMAN, LLP.,

Plaintiff,

File No. 07CIV8745

-against-

DEFAULT JUDGMENT

THE REPUBLIC OF LIBERIA,

Defendant.
-----X

This action having been commenced on October 10, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the defendant, The Republic of Liberia, on November 2, 2007 by personal service on The Republic of Liberia, and a proof of service having been filed on November 7, 2007 and by delivery of two copies of the Summons and Complaint to the Clerk of the Court for transmittal by Registered Mail Return Receipt Requested to the Minister of Foreign Affairs of The Republic of Liberia on October 24, 2007 and the defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That plaintiff have judgment against defendant in the liquidated amount of \$16,043 with interest at 09% from November 20, 2006 amounting to \$1,772.79 plus costs and disbursements of this action in the amount of \$385.00 amounting in all to \$18,170.79.

Dated: New York, New York
February __, 2008

U.S.D.J.

This document was entered on the
docket on _____.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
SPECTOR & FELDMAN, LLP.,

Plaintiff,

File No. 07CIV8745

-against-

STATEMENT OF DAMAGES

THE REPUBLIC OF LIBERIA,

Defendant.
-----X

Principal amount sued for	\$16,013.00
Interest at 9% from November 20, 2006 through February 12, 2008	\$ 1,772.79
Costs and disbursements:	
Clerk's Fee	\$ 350.00
Process Server fee for service	\$ 35.00
Total as of February 12, 2008	\$18,170.79

AFFIX AS EXHIBITS – COPY OF:

- 1. SUMMONS**
- 2. COMPLAINT**
- 3. PROOF OF SERVICE**